APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,475	08/19/2003	Robert A. Dunstan	P17354	6003

28062   7590   08/23/2007
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EXAMINER
CAO, CHUN

ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
08/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/643,475	DUNSTAN, ROBERT A.
	Examiner	Art Unit	
	Chun Cao	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2007 and 25 April 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-10,12-16,20 and 21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-10,12-16,20 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-6, 8-10, 12-16 and 20-21 are presented for examination.

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/12/07 has been entered.

3.   The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

4.   The rejections are respectfully maintained and incorporated by reference to the extent that is applicable to the newly amended claims as set forth in the last office action.

5.   Claims 1-4, 6, 8-10 and 12-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Peters (Peters), U.S. patent no. 6,516,421.

As per claim 1, Peters teaches a method, comprising:

establishing a first power policy associated with a system that places the system in a low- power state after a first pre-determined period of time [col. 1, lines 12-44; col. 5, lines 10-21];

receiving from a user an indication [logoff or shutdown] via a display unit

[emphasis added, a user needs to use a mouse or keyboard for selecting logoff or

shutdown command displaying in a monitor in order to allow the computer system

performs logoff/shutdown processing] that the user is no longer using the system [col. 3,

lines 49-50; col. 7, lines 38-40]; and

in response to the indication, establishing a second power policy associated with

the system that places the system in the low-power state after a second pre-determined

period of time, wherein the second pre-determined time is less than the first pre-

determined time [col. 2, lines 43-51; col. 3, lines 27-30; lines 61-67; col. 7, line 41-col. 8,

line 2; col. 8, lines 48-56; "automatic reducing inactivity periods"].

As per claim 2, Peters inherently teaches of continuing, after receiving the

indication, to execute instruction to support one or more remote devices prior to

establishing the second power policy [fig. 1; col. 2, lines 43-51; col. 3, lines 27-30; lines

61-67; col. 7, line 41-col. 8, line 2; col. 8, lines 48-56].

As per claim 3, Peters inherently teaches that the low-power state is associated

with an advanced configuration and power interface low-power state [fig. 2; col. 5; lines

8-22].

As per claim 4, Peters teaches that the low-power state is associated with at

least one of: (i) a global state, (ii) a device power state, (iii) a sleep state, (iv) a

processor power state, and (v) a performance state [fig. 2; col. 5; lines 8-22].

As per claim 6, Peters teaches of saving the first power policy [col. 6, lines 45-

67].

As per claim 8, Peters teaches of receiving from a user via the display unit a second indication that the user is again using the system [col. 6, lines 55-56]; and establishing the first policy associated with the system that places the system in the low-power state after the first pre-determined period of time [col. 5, lines 30-35; col. 6, lines 13-41].

As per claim 9, Peters teaches that the system includes a processor and comprises at least one of: (i) a desktop personal computer; (ii) a mobile system, (iii) a workstation, (iv) a server, (v) a set top box, and (vi) a game system [fig. 1; col. 4, lines 45-49].

As per claim 10, Peters teaches that at least one of said receiving and aid establishing is performed by at least one of: (i) a software application, (ii) a hardware device, (iii) an operating system, (iv) a driver, and (v) a basic input/output system [col. 2, lines 43-51].

As per claim 12, Peters teaches that the first power policy is configurable by the user [col. 1, lines 36-37].

As per claim 13, Peters teaches that the first power policy is associated with operating system power management [col. 5; lines 8-22].

As to claim 16, Peters teaches the claimed method of steps. Therefore, Peters teaches the claimed storage medium stored instructions to carry out the method of steps.

6.   Claims 5, 15, 20 and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Peters (Peters), U.S. patent no. 6,516,421 in view of Park (Park),

U.S. patent no. 6,418,536.

As per claim 5, Peters does not explicitly teach that indication comprises turning

off the display unit.

However, Park teaches of responding to absence of a user so that a LCD display

will instantly turn off [col. 2, lines 12-25; col. 3, lines 9-15]. In other word, Park teaches

that the received indication [absence of a user] is a request to turn off a display unit

associated with the system.

It would have been obvious for one of ordinal skill in the art to combine Peters

and Park because the specify teaching of Park would improve the power efficiency of

the Peters' system.

As to claims 14 and 15, claims 14 and 15 basically are the corresponding

elements that are carried out the method of operating steps in claims 1 and 5.

Accordingly, claims 14 and 15 are rejected for the same reason as set forth in claims 1

and 5.

As to claims 20 and 21, claims 20 and 21 basically are the corresponding

elements that are carried out the method of operating steps in claims 1 and 5.

Accordingly, claims 20 and 21 are rejected for the same reason as set forth in claims 1

and 5.

7.   Applicant's arguments filed 4/25/2007 have been fully considered but are not

persuasive.

8.   In the remarks, applicant argued in substance that Peter do not teach or suggest the feature of receiving from a user an indication via a display unit that the user is not longer using a system, and in response to the indication, establishing a second power policy.

The examiner respectfully traverses applicant's argument. Peter teaches of receiving from a user an indication [logoff or shutdown] via a display unit [emphasis added, a user needs to use a mouse or keyboard for selecting logoff or shutdown command displaying in a monitor in order to allow the computer system performs logoff/shutdown processing] that the user is no longer using the system [col. 3, lines 49-50; col. 7, lines 38-40]; and in response to the indication, establishing a second power policy associated with the system [col. 2, lines 43-51; col. 3, lines 27-30; lines 61-67; col. 7, line 41-col. 8, line 2; col. 8, lines 48-56].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

August 21, 2007

CHUN CAO
PRIMARY EXAMINER